

EXHIBIT “D”

EXHIBIT “D”

ELECTRONICALLY SERVED
11/30/2017 8:58 AM

1 **PET**
 2 RALPH E. PORTER, ESQ.
 3 Nevada Bar No. 4130
 4 **RALPH PORTER & ASSOCIATES, P.C.**
 5 525 S. Ninth Street
 6 Las Vegas, Nevada 89101
 7 (702) 384-5800
 8 Attorney for Plaintiff

DISTRICT COURT
 CLARK COUNTY, NEVADA

IRENE AVILA-LOPEZ,)
)
 Plaintiff,) CASE NO.: A-17-763583-C
) DEPT. NO.: XXIV
)
 vs.)
)
 JAMES PAUL MOORE CHAVARRIA;)
 JHM EXPRESS; DOES I through X; ROE)
 CORPORATIONS, I through X, inclusive,)
)
 Defendants.)

PETITION FOR EXEMPTION FROM ARBITRATION

Plaintiff, IRENE AVILA-LOPEZ, hereby requests the above-entitled matter be
 exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5, because this case
 involves an amount in issue in excess of \$50,000.00, as this case:

1. _____ presents a significant issue of public policy;
2. X involves an amount in excess of \$50,000.00 per Plaintiff,
 exclusive of interest and costs;
3. _____ presents unusual circumstances which constitute good cause
 for removal from the program.

A summary of the facts of which support the contention for exemption are as follows:

This action arises out of a motor vehicle collision that occurred on or about December
 July 24, 2017. Plaintiff, IRENE AVILA-LOPEZ, was traveling northbound on US 95.
 Defendant, JAMES PAUL MOORE CHAVARRIA, while driving in the course and scope of

RALPH PORTER & ASSOCIATES, P.C.
 525 S. NINTH STREET
 LAS VEGAS, NV 89101
 (702) 384-5800

his employment with Defendant, JHM EXPRESS, was traveling northbound on US 95 behind the Avila-Lopez vehicle. As Plaintiff began to stop/slow to avoid a vehicle in front of her with the emergency flashers on, Defendant, JAMES PAUL MOORE CHAVARRIA, failed to stop and struck the rear of Plaintiff's vehicle.

As a result, Plaintiff sustained multiple injuries including, but not limited to, the following:

- C3-4 3 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- C5-6 4 MM CIRCUMFERENTIAL DISC BULGE WITH ANTERIOR PREDOMINANCE
- C6-7 1-2 MM CIRCUMFERENTIAL DISC BULGE
- L1-2 3 MM CIRCUMFERENTIAL DISC BULGE
- L2-3 3 MM CIRCUMFERENTIAL DISC BULGE
- L4-5 2 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- L5-S1 4 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- COMPLETE DISRUPTION OF THE SUPRAPINATUS TENDON APPROXIMATELY 2 MC FROM THE DISTAL INSERTION, WITH 1.1 CM RETRACTION OF THE MAIN TENDON FIBERS AND ATROPHY OF THE SUPRASPINATUS MUSCLE BELLY
- MODERATE GLENOHUMERAL JOINT EFFUSION
- CERVICAL SPRAIN/STRAIN
- CERVICOBACHIAL SYNDROME
- CERVICALGIA
- SPRAIN OF LIGAMENTS OF CERVICAL SPINE
- STRAIN OF MUSCLE, FASCIA AND TENDON AT NECK LEVEL
- THORACIC SPRAIN/STRAIN
- PAIN IN THORACIC SPINE
- SPRAIN OF LIGAMENTS OF THORACIC SPINE
- STRAIN OF MUSCLE AND TENDON OF BACK WALL OF THORAX
- LUMBAR SPRAIN/STRAIN
- LOW BACK PAIN
- SPRAIN OF LIGAMENTS OF LUMBAR SPINE
- STRAIN OF MUSCLE, FASCIA AND TENDON OF LOWER BACK
- CONTUSION OF THE CHEST WALL
- MUSCLE SPASM OF BACK
- LOCALIZED EDEMA
- POST-TRAUMATIC HEADACHE
- OTHER INSOMNIA
- OTHER FATIGUE

Plaintiff's past medical expenses to date total **\$110,953.22**. (Ms. Avila-Lopez is still

seeking medical treatment.) The medical specials currently breakdown as follows:

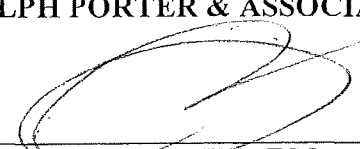
No.	Provider	DOS	\$\$
1.	Medic West Ambulance	07/24/17	\$ 1,168.91
2.	Sunrise Hospital	07/24/17 07/26/17-	\$ 96,985.75
3.	Fremont Emergency Services	07/24/17	\$ 1,317.00
4.	Radiology Specialists, LTD	07/25/17- 07/26/17	\$ 1,189.00
5.	Spinal Rehabilitation Center Robert Moore, DC	07/27/17- 11/27/17	\$ 3,847.00
6.	Nevada Medical Consultants Thomas Anthony Shang, M.D.	07/28/17- 09/11/17	\$ 1,050.00
7.	Las Vegas Radiology	10/11/17 10/24/17	\$ 4,950.00
8.	Las Vegas Pharmacy	08/04/17	\$ 445.56
		TOTAL	\$110,953.22+

Plaintiff's past medical expenses are in the amount of \$110,953.22. However, Plaintiff's medical specials are undetermined at this time due to her still seeking medical treatment. Exemption from arbitration is, therefore, requested.

I hereby certify, pursuant to NRCP 11, this case to be within the exemption(s) noted above and I am aware of the sanctions which may be imposed against any attorney or party who without good cause or justification attempts to remove a case from the arbitration program.

DATED this 29 day of Nov, 2017.

RALPH PORTER & ASSOCIATES, P.C.

By 
 RALPH E. PORTER, ESQ.
 Nevada Bar No. 4130
 525 S. Ninth Street
 Las Vegas, Nevada 89101
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RALPH PORTER & ASSOCIATES, P.C. and that on the 6th day of November, 2017, I caused the foregoing **PETITION FOR EXEMPTION FROM ARBITRATION** to be served as follows:

☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or

☐ by hand delivery

☒ by ELECTRONIC SERVICE

to the attorney listed below:

Trevor L. Atkin, Esq.
ATKIN WINNER & SHERROD
1117 S. Rancho Drive
Las Vegas, Nevada 89102
Attorney for Defendants


An Employee of RALPH PORTER & ASSOC.

RALPH PORTER & ASSOCIATES, P.C.
525 S. NINTH STREET
LAS VEGAS, NV 89101
(702) 384-5800